

REMARKS

The Final Office Action, mailed November 1, 2007, considered claims 1–22. Claims 1–22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Parthesarathy et al., U.S. Patent No. 6,353,926 (filed Jul. 15, 1998) (hereinafter Parthesarathy), in view of Ustaris, U.S. Patent Pub. No. 2004/0060035 (filed Sep. 24, 2002) (hereinafter Ustaris).¹

By this response, no claims are amended such that claims 1–22 remain pending. The Applicants respectfully traverse the rejections under 35 U.S.C. § 103(a) in view of Parthesarathy and Ustaris as presented in the Office Action.² Claims 1, 10, and 11 are independent claims which remain at issue.

As reflected in the claims, the present invention is directed generally toward systems, methods, and computer program products for providing computer support tools for diagnosing computer-related problems. Claim 1 recites, for instance, in combination with all the elements of the claim, a method which includes detecting a type of computer-related problem on a user machine. Based on the type of problem, a manifest is selected from a number of manifests. The selected manifest identifies a set of one or more tools which when executed collects data for analysis with respect to diagnosing the problem. The manifest also provides information for running the set of tools with an appropriate configuration and describes what output should be collected. The method provides a control mechanism to interpret the selected manifest and provides the manifest to the control mechanism. The control mechanism executes each tool identified in the manifest. Each tool, when executed, collects data from the user machine and a reporting program collects and packages the data collected by the tools. Finally, the collected data is received from the machine.

Claim 10 recites a computer program product embodiment of the method of claim 1. Claim 11 recites a system embodiment of the method of claim 1.

¹ Although the prior art status of the cited art is not being challenged at this time, Applicants reserve the right to challenge the prior art status of the cited art at any appropriate time, should it arise. Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status of the cited art.

² It may be noted that the traversals and remarks as presented herein are consistent with the information presented by telephone on Nov. 30, 2007, by patent attorney John Bacoch (reg. no. 59,890) and attorney Thomas Bonacci.

The office action rejected claim 1 under 35 U.S.C. § 103(a) in view of Parthesarathy and Ustaris.³ Parthesarathy is directed toward a method for a software vendor to notify a user of software updates.⁴ Ustaris is directed toward the automated building, deploying, and installing of software resources.⁵ The Applicant respectfully submits that Parthesarathy and Ustaris, both separately and in combination, fail to teach or suggest all the limitations of claim 1.

The office action cited Parthesarathy col. 6 l. 32-42 for teaching "detecting a type of computer-related problem on a use[r] machine, selecting a manifest from a plurality of manifests based upon the detected type of computer-related problem, the selected manifest identifying a set of one or more tools that when executed collects data for analysis with respect to diagnosing the computer-related problem."⁶ The portion of Parthesarathy cited for the above limitations reads (in its entirety):

"The following description will now more fully describe the individual steps of FIG. 3. As noted above, the invention uses Open Software Description (OSD) vocabulary. OSD specifies a vocabulary used for describing software packages and their dependencies for client computers which is a subset of the Extensible Markup Language (XML). Using the XML model, markup tags in the OSD vocabulary are represented as elements of a tree. The three basic relationships between the elements are 'parent of,' 'child of,' and 'sibling of.'"⁷

The Applicants submit that

- i) the cited passage of Parthesarathy fails to teach or suggest "detecting a type of computer-related problem on a user machine,"
- ii) the cited passage of Parthesarathy fails to teach or suggest "selecting a manifest from a plurality of manifests based upon the detected type of computer-related problem," and
- iii) the cited passage of Parthesarathy fails to teach or suggest "the selected manifest identifying a set of one or more tools that when executed collects data for analysis with respect to diagnosing the computer-related problem."

³ Office Communication p. 4 (paper no. 10242007, mailed Nov. 1, 2007).

⁴ See, generally, Parthesarathy.

⁵ See, generally, Ustaris.

⁶ Office Comm. p. 4.

⁷ Parthesarathy col. 6 l. 32-42.

The Applicants submit that the portion of Parthesarathy cited for the above claim elements fails to recite any affirmative acts. It describes only the OSD vocabulary. There is no teaching of detecting any computer-related problem, there is not selecting of a manifest, and there is no suggestion that a manifest identifies a set of tools which, when executed, collects data for analysis with respect to diagnosing a computer-related problem.

The office action cited Parthesarathy col. 5 l. 61–67 for teaching “the selected manifest providing information for running the set of tools with an appropriate configuration and the selected manifest describing what output should be collected, providing a control mechanism to interpret the selected manifest, providing the selected manifest to the control mechanism, and executing each tool identified in the manifest and each tool collecting data from the user machine.”⁸ The portion of Parthesarathy cited for teaching the above limitations reads (in its entirety):

“One embodiment of the invention will now be described with reference to FIG.

3. First, the software vendor sets up a software update channel, in step 100. As noted above, the software update channel provides a link between the software vendor's web page and at least one user's computer so as to allow the software vendor to send software updates to the users. As will be described in more detail below, the user”⁹

The Applicants submit that

- i) the cited passage of Parthesarathy fails to teach or suggest “the selected manifest providing information for running the set of tools with an appropriate configuration,”
- ii) the cited passage of Parthesarathy fails to teach or suggest “the selected manifest describing what output should be collected,”
- iii) the cited passage of Parthesarathy fails to teach or suggest “providing a control mechanism to interpret the selected manifest,”
- iv) the cited passage of Parthesarathy fails to teach or suggest “providing the selected manifest to the control mechanism,”
- v) the cited passage of Parthesarathy fails to teach or suggest “executing each tool identified in the manifest,” and

⁸ Office Comm. p. 4.

⁹ Parthesarathy col. 5 l. 61–67.

- vi) the cited passage of Parthesarathy fails to teach or suggest "each tool collecting data from the user machine."

The Applicants submit that "set[ting] up a software update channel," "provid[ing] a link between the software vendor's web page and at least one user's computer," and "allow[ing] the software vendor to send software updates" fails to teach the asserted claim elements (as recited above). There is no teaching or suggestion of a manifest which provides information for running a set of tools in an appropriate configuration. There is no teaching or suggestion that a manifest describes the output which should be collected. There is no teaching or suggestion that a control mechanism is provided to interpret a manifest. There is no teaching or suggestion that each tool identified in a manifest is executed. There is no teaching or suggestion that each tool [in the manifest] collects data from a user machine.

The office action cited Parthesarathy col. 6 l. 48-58 for teaching "[a] reporting program collecting and packaging the data collected [by the tools] and receiving the data collected from the machine."¹⁰ The portion of Parthesarathy cited for the above limitations reads (in its entirety):

"The OSD vocabulary can be used in a stand-alone XML manifest file to declare the dependencies between different software components for different operating systems and languages. The OSD file provides instructions that can be used to locate and install only the required software components depending on the configuration of the target machine and what software is already present. The OSD formatted manifest file can also be embedded in an archive file, such as a Java Archive (JAR) file, or a composite, compressed file such as a cabinet (.CAB) file, that contains the distribution unit to form a distribution unit file."¹¹

The Applicants submit that

- i) the cited passage of Parthesarathy fails to teach or suggest "a reporting program collecting and packaging the data collected by the tools," and
- ii) the cited passage of Parthesarathy fails to teach or suggest "receiving the data collected from the machine."

¹⁰ Office Comm. p. 4.

¹¹ Parthesarathy col. 6 l. 48-58.

The Applicants submit that within the cited passage of Parthesarathy there is no teaching or suggestion of a reporting program collecting and packaging data collected by the tools (identified in other limitations of the claim). There is no teaching or suggestion that data collected from the machine is received.

The Applicants submit that the portions of Parthesarathy which are cited, as is illustrated above, fail to teach or suggest the limitations of the claim for which they are asserted. Further, the entirety of Parthesarathy as well as Ustaris, both separately and in combination, fail to teach or suggest the limitations which is not taught or suggested by the cited passages.

Because Parthesarathy and Ustaris, both separately and in combination, fail to teach or suggest all the limitations of claim 1, a rejection under 35 U.S.C. § 103(a) would be improper and should be withdrawn. Accordingly, the Applicants respectfully request favorable reconsideration of claim 1.

Independent claim 10 recites a computer-readable storage medium comprising instructions for performing the method of claim 1. Independent claim 11 recites a system comprising computer instructions which, when executed, perform the method of claim 1. Claims 10 and 11 were rejected under 35 U.S.C. § 103(a) in view of Parthesarathy and Ustaris by the same rationale as claim 1. Accordingly, the above discussion also applies to claims 10 and 11. In view of the above discussion, the Applicants submit that Parthesarathy and Ustaris fail to teach or suggest all the limitations of claims 10 or 11 and therefore rejections under 35 U.S.C. § 103(a) in view of Parthesarathy and Ustaris would be improper and should be withdrawn. The Applicants respectfully request favorable reconsideration of claims 10 and 11.

In view of the foregoing, Applicants respectfully submit that the other rejections to the dependent claims are now moot and do not, therefore, need to be addressed individually at this time. It will be appreciated, however, that this should not be construed as Applicants acquiescing to any of the purported teachings or assertions made in the last action regarding the cited art or the pending application, including any official notice. Instead, Applicants reserve the right to challenge any of the purported teachings or assertions made in the last action at any appropriate time in the future, should the need arise. Furthermore, to the extent that the Examiner has relied on any Official Notice, explicitly or implicitly, Applicants specifically request that the Examiner provide references supporting the teachings officially noticed, as well

as the required motivation or suggestion to combine the relied upon notice with the other art of record.

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney 801-533-9800.

Dated this 1st day of February, 2008.

Respectfully submitted,



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